

Regular Session, 2004

# ACT No. 475

HOUSE BILL NO. 126

BY REPRESENTATIVES ANSARDI AND LANCASTER

1 AN ACT

2 To amend and reenact R.S. 13:3727 and 3733.1(A)(4) and (G)(1)(d), relative to the  
3 admissibility of evidence; to provide for the presumption of originality; to provide  
4 for the period of time for which an instrument is required to be recorded; to provide  
5 relative to the definition of reproduction; to provide relative to the admissibility of  
6 a substitute check; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:3727 and 3733.1(A)(4) and (G)(1)(d) are hereby amended and  
9 reenacted to read as follows:

10 §3727. Written acts recorded ~~nineteen~~ ten years admissible

11 In every instance where the conveyance records in the office of the clerk of  
12 court or of the parish recorder in any parish of the state show that any deed,  
13 conveyance, sale, lease, transfer, assignment, power of attorney, judgment, or other  
14 written act whatsoever, whether the instrument be notarial in form, be a private act,  
15 be attested or unattested, or whether the signature of the maker or makers thereof be  
16 acknowledged or unacknowledged, or proven or unproven, shall have been recorded  
17 in the records for a period of not less than ~~nineteen~~ ten years, it shall be presumed  
18 that the original instrument of which the record purports to be a copy bore the  
19 genuine signature of the maker or makers, and a copy of the recordation of any such  
20 instrument, certified by the clerk of court or any of his deputies, or by the parish  
21 recorder or any of his deputies, of the parish where the instrument in question was  
22 recorded, shall be received and admitted in evidence in the courts of Louisiana,  
23 without proof of signature of the maker or makers of the original act or judgment,  
24 and shall be deemed prima facie proof of the contents of the original instrument

referred to in the certified copy and, in the case of a judgment, that the judgment was rendered by a court of competent jurisdiction.

\* \* \*

§3733.1. Financial institution records; reproductions; record keeping ; admissibility into evidence; definitions

A. As used in this Section the following terms shall have the following meanings:

\* \* \*

(4) "Reproduction" means a counterpart, duplicate, or copy, or a durable medium for making a counterpart, duplicate, or copy, produced from the same impression as the original, or from the same matrix, or produced or obtained by any photographic, photostatic, microfilm, microcard or miniature or microphotographic process, or by any mechanical or electronic recording or re-recording, electronic or optical imaging, chemical process or other process or technique which accurately reproduces the original or forms or creates a durable medium for so reproducing the original, including but not limited to computer and other printouts, and counterparts, duplicates, copies, and other output generated or produced by or from an electronic imaging system such as counterparts, duplicates, or copies produced or obtained from optical disks. A reproduction shall also mean a substitute check as defined under the federal Check Clearing for the 21st Century Act and Regulation CC, 12 CFR 229.2(zz).

\* \* \*

G.(1) A reproduction of a promissory note, negotiable instrument, letter of credit, certificated security, document of title, or a certificate of title pertaining to a motor vehicle shall not be deemed to be an original of such record for the following purposes:

\* \* \*

(d) Use of the record in a judicial proceeding or action involving a claim based on such record, unless the original has been lost, stolen, or inadvertently

1 destroyed. However, a reproduction of a check, as defined in R.S. 10:3-104, that has  
2 been destroyed by a financial institution in the regular course of its business activities  
3 shall be deemed to be an original of such check in a judicial proceeding or action  
4 involving a claim based on or involving such check. However, a substitute check, as  
5 defined in the federal Check Clearing for the 21st Century Act and Regulation CC,  
6 12 CFR 229.2(zz), may be deemed to be an original of such check in a judicial  
7 proceeding or action involving a claim based on or involving such check.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_